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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER	
CHOW, CHIH CHING	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/654,208	HOLMAN ET AL.	
	Examiner	Art Unit	
	CHIH-CHING CHOW	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to amendment dated May 22, 2008.

2. Per Applicants' request, claims 1-4, 9, 12, 13, 21, 33 and 37 have been amended.

3. Claims 1-49 remain pending.

Response to Arguments

4. Applicants' arguments for Claims 1-49 have been fully considered respectfully by the examiner but they are not persuasive.

5. Applicants' arguments are basically in the following points:

- "*Differentiating External Installation Issues from Internal Operational/Logic Issues*" (Remarks dated 5/22/08 pp. 13-14).

Examiner's Response: In response to applicant's argument, installation validation is substantially and patentably distinct from testing the internal operations of a software for bugs, see McDonald's column 2, lines 6-9, "Typically, especially for large, custom software systems, a development version of the software will be **loaded on the client system** in order for the **client to test the software** in the environment in which the software will be used." And column 3, lines 14-15, "At step 302 software for which **acceptance/regression testing** is to be performed may be l**oaded into a client development area for testing.**" Further in column 3, lines 43-49, "the vendor provides the client with a list of functions to be tested *(validated)*, although, alternately, the client could prepare a list of functions to be tested, preferably from a list of requirements for the software provided to the vendor by the client. **The list of functions is entered into a software acceptance/regression** testing database, preferably by the client, at step 304, although, alternatively,

the vendor could enter the functions to be tested (*to be executed)* into the database. " And column 6, lines 5-6, "Typically, when a **new release is installed**, there are new functionalities of the software to be tested." – the software application has to be properly installed first in order to be tested whether it's functioning properly; the installation has to be part of the overall testing, therefore whether the installation is been properly done is implied in McDonald's disclosure, it also means that the current application does not include any novel subject matter for allowance.

- "The validation manifest includes computer-executable validation actions"(Remarks dated 5/22/08 page 12) , "McDonald fails to disclose a validation manifest comprising computer-executable validation actions" (Remarks dated 5/22/08 page 14).

Examiner's Response: In response to applicant's argument, see 35 USC § 112 below.

- Under Claim 5, "The method of Claim4, wherein the aspect of the software application compared by the comparison instruction is ***the modification date of a file provided as part of the software application***. (Emphasis added.) McDonald discloses a database for tracking/logging problems associated with a software application, and that database includes a date that a function was tested as well as a date that the function was fixed. However, irrespective of whether or not McDonald recites a database that stores dates, applicants submit that a database of data cannot be reasonably construed as executing a comparison of a modification date to determine whether a

software application is properly installed on a computer." (Remarks dated 5/22/08, page 17).

Examiner's Response: See MacDonald's column 5, lines 59-60, "A fix-by date is determined and entered. A technician re-tests the problem on or after the fix-by date and enters the result of the new test." -- modification date of a file is provided.

6. Examiner is maintaining the 35 USC 102 and 35 USC 103 Rejections. For the Applicants' convenience they are listed as following, with the amendments requested by the Applicants.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "…obtaining a validation manifest from the software provider of the software application for validating the installation of the software application, the validation manifest comprising computer-executable validation actions for determining whether the software application is properly installed on the target computer;…" wherein the validation actions is a listed of expected values for validation, see Fig. 4 item 204 and description in paragraph [0027], "**A validation manifest**, in accordance with the

present invention, such as **validation manifest** 204, **includes validation information that is used by a validation process** 208 **to determine whether the corresponding software application 210 is properly installed on the computer**." And paragraph [0028], "**The validation manifest** 204 **includes validation information comprised of validation actions**, i.e., tokens and data representing instructions to the validation process 208 to be carried out on the computer 102 and/or software application 210, as well as **any expected values or responses for actually determining whether the software application has been properly installed on the computer when the validation actions are carried out**." – from the description above, the validation manifest shown in 204 is a list of expected values, they are not 'computer-executable validation actions', 'computer-executable validation actions' should be instructions or program code, e.g. script languages, or testing tools. Examiner assumes the 'computer-executable validation actions' meant to be script language to carry out embedded actions, which is only part of the validation manifest. Claims 2-12 depend on claim 1, they are rejected under 35 USC § 112 (2) for the same reason.

9. Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites "…obtains a validation manifest from the software provider of the software application for validating the installation of the software application, the validation manifest comprising a plurality of computer-executable validation actions for determining whether the software application is properly installed on the target computer;…" wherein the validation actions is a listed of expected values for validation, see Fig. 4 item 204 and description in paragraph [0027], "**A validation manifest**, in accordance with

the present invention, such as **validation manifest** 204, **includes validation information that is used by a validation process** 208 **to determine whether the corresponding software application 210 is properly installed on the computer**." And paragraph [0028], "**The validation manifest** 204 **includes validation information comprised of validation actions**, i.e., tokens and data representing instructions to the validation process 208 to be carried out on the computer 102 and/or software application 210, as well as **any expected values or responses for actually determining whether the software application has been properly installed on the computer when the validation actions are carried out**." – from the description above, the validation manifest shown in 204 is a list of expected values, they are not 'computer-executable validation actions', 'computer-executable validation actions' should be instructions or program code, e.g. script languages, or testing tools. Examiner assumes the 'computer-executable validation actions' are meant to be script language to carry out embedded actions, which is only part of the validation manifest. Claims 14-24 depend on claim 13, they are rejected under 35 USC § 112 (2) for the same reason.

10. Claims 37-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 recites "…obtaining a validation manifest from the software application provider, the validation manifest comprising computer-executable validation actions for determining whether the software application is properly installed on the target computer;…" wherein the validation actions is a listed of expected values for validation, see Fig. 4 item 204 and description in paragraph [0027], "**A validation manifest**, in accordance with the present invention, such as **validation manifest** 204, **includes validation**

information that is used by a validation process 208 **to determine whether the corresponding software application 210 is properly installed on the computer**." And paragraph [0028], "**The validation manifest** 204 **includes validation information comprised of validation actions**, i.e., tokens and data representing instructions to the validation process 208 to be carried out on the computer 102 and/or software application 210, as well as **any expected values or responses for actually determining whether the software application has been properly installed on the computer when the validation actions are carried out**." – from the description above, the validation manifest shown in 204 is a list of expected values, they are not 'computer-executable validation actions', 'computer-executable validation actions' should be instructions or program code, e.g. script languages, or testing tools. Examiner assumes the 'computer-executable validation actions' are meant to be script language to carry out embedded actions, which is only part of the validation manifest. Claims 38-48 depend on claim 37, they are rejected under 35 USC § 112 (2) for the same reason.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-5, 7-17, 19-29, 31-41, 43-49 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,957,366, by McDonald, hereinafter "McDonald".

As Per claim 1, McDonald discloses:

- ***A computer-implemented method for determining whether a software application is properly installed on target computer, comprising: obtaining a validation manifest from the software provider of the software application for validating the installation of the software application, the validation manifest comprising computer-executable validation actions for determining whether the software application is properly installed on the target computer;***
- McDonald's disclosure is a method/system for determining whether a software application is properly installed on target computer, see McDonald's column 3, lines 43-49, "the **vendor provides the client with a list of functions to be tested** *(validated)*, although, alternately, the client could prepare a list of functions **to be tested**, preferably from a list of requirements for the software provided to the vendor by the client. **The list of functions is entered into a software acceptance/regression testing** database, preferably by the client, at step 304, although, alternatively, the vendor could enter the **functions to be tested** (*to be executed)* into the database. " – the software application has to be properly installed in order to function properly, therefore McDonald's disclosure reads on the claim. Further, see McDonald's column 1, lines 29-40, "In a preferred embodiment the software acceptance/**regression testing application** is developed using ACTIVE SERVER PAGES (ASP). … An ASP is a web page that contains

HTML and embedded programming code written in programming languages such as VBScript or Jscript. …When IIS encounters an ASP page requested by the browser, **it executes the embedded program**." Also see column 6, under Regression Testing, lines 5-6 "Typically, when a new release is installed, there are new functionalities of the software to be tested." – the installation must be successful in order to further testing the functionality, therefore, McDonald's teaching implies to check whether the installation is properly done.

- ***executing the validation actions in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.***

See McDonald's column 6, lines 5-6, "when a new release is **installed**, there **are new functionalities of the software to be tested**." And column 1, lines **26**-30, "a development version of the software **will be loaded on the client system** *(target system)* in order for the client to test the software in the environment in which the software will be used. Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of testing … and finally closing out a function test after successful testing" – the testing and keeping track of test results implies *executing the validation actions, and determining whether the software application is properly installed on the target computer*.

As Per claim 2, McDonald discloses:

- ***The method of claim 1, wherein the validation actions comprise***

***executing** a validation program **~~associated with~~** **that executes separate from** the software application **~~that, when executed,~~** **and** returns results indicating whether aspects of the software application are properly installed on the target computer.*

Claim 1 rejection is incorporated, further see McDonald's column 3, lines 56-60, "Preferably ticket number 402 is assigned automatically by the **testing software** and preferably is automatically incremented by one by the system, for each new function to be tested, although random ticket numbers may alternately be generated".—the testing software is the validation program, which associates with the software application, it also does the "Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of testing … and finally closing out a function test after successful testing" as cited in claim 1 rejection. Also see claim 1 rejection, the '**embedded program**' is separate from the software application, it executes separate from the software application; and see McDonald's column 1, lines 28-30, "Keeping track of identifying functions to test, assigning the testing of the functions to suitable personnel, **recording the results of testing**" (*returns results*).

As Per claim 3, McDonald discloses:

- ***The method of claim 1, wherein the validation actions comprise executing a validation routine in a loadable module associated with the software application that, ~~when called,~~ returns results indicating whether***

aspects of the software application are properly installed on the target computer.

Claim 1 rejection is incorporated, for rest of claim 3 feature See McDonald's column 6, lines 5-6, "when a new release is **installed**, there **are new functionalities of the software to be tested**." And column 1, lines **26**-30, "a development version of the software **will be loaded on the client system** *(need a loadable module to do the loading)* in order for the client to test the software in the environment in which the software will be used. Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of testing … and finally closing out a function test after successful testing" – successful testing implies the software application are properly installed and executed.

As Per claim 4, McDonald discloses:

- ***The method of claim 1, wherein the validation actions comprise executing a comparison instruction independent of the execution of the software application to compare an aspect of the software application to corresponding validation response information in the validation manifest.***

Claim 1 rejection is incorporated, also see McDonald's claim 16, "and **computer executable instructions** stored on the server computing device for performing the following: receiving data representing a function of the software to be tested; storing the data representing the function of the software to be tested in an acceptance/regression testing database (*the data can be used to compare the results in order to decide whether the test is*

successful or not), the acceptance/regression testing database modifiable by a vendor of the software and a client of the vendor wherein **a list of functions to be tested** is entered into the testing database by the client; receiving an identifier of a technician assigned to test the function; storing the identifier in the acceptance/regression testing tracking database; **receiving an indication of a result of the technician's testing of the function**; and storing the indication in the acceptance testing tracking database." Also see claim 1 rejection, the '**embedded program**' is independent of the execution of the software application, it executes separate from the software application.

As Per claim 5, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 4 rejection is incorporated, for rest of claim 5 feature see McDonald's column 2, lines 6-13, "When a new software package or release is received, and is **loaded onto a client development device**, a database is created for tracking functions to test and for logging problems found. The database may include fields such as but not restricted to: **test identifier**, tester, ticket number, **status**, **date of test**, severity level of problem, test comments, **tracking number**, **resolution, fix date**, assigning entity, **version**, and assigned to".

As Per claim 7, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***

Claim 4 rejection is incorporated, for the version number feature see claim 5 rejection.

As Per claim 8, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module provided as part of the software application.***

Claim 4 rejection is incorporated, for the version number feature see claim 5 rejection.

As Per claim 9, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is a system registry value of the computer system upon which the software application is installed and associated with the software application.***

Claim 4 rejection is incorporated, for the system registry feature see claim 5 rejection, wherein the 'test identifier' the 'tracking number' are all considered as system registry associated with the software application.

As Per claim 10, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 4 rejection is incorporated, for rest of claim 10 feature see McDonald's column 1, lines 25-28, "a development version of the software will be loaded on the client system in order for the client to test the software **in the environment** in which the software will be used." It's also '**a client development device**' in claim 5 rejection.

As Per claim 11, McDonald discloses:

- ***The method of claim 1, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 1 rejection is incorporated, for rest of claim 11 feature see McDonald's column 1, lines 26-30, "a development version of the software **will be loaded on the client system** *(target system)* in order for the client to test the software in the environment in which the software will be used.

As Per claim 12, McDonald discloses:

- ***The method of claim 1 ~~further comprising~~, wherein the validation manifest further comprises a computer-executable corrective action for correcting an improperly installed software application, and wherein the method further comprises, upon detecting a negative result from executing a validation action, executing a corrective action associated with the validation action.***

Claim 1 rejection is incorporated, for rest of claim 12 feature see Claim 5 rejection, wherein the 'resolution', and 'fix date' implies corrective actions have been done. For corrective action feature see McDonald's

Column 1, lines 50-55, "Suppose that, at about the same time, a software developer fixes a software bug and **enters a notation of the fix** in database A, creating version A", and sends all the members of the testing team his new A" database".

As Per claim 13, McDonald discloses:

- ***A system for validating whether a software component is properly installed on a target computer, the system comprising: a processor; and a memory, the memory storing and software application, and further storing a validation module, wherein the validation module: obtains a validation manifest associated with the software application from the provider of the software application, the validation manifest comprising a plurality of computer-executable validation actions for determining whether the software application is properly installed on the target computer; executes each validation action in the validation manifest; and based on the results of the executed validation actions, determines whether the software application is properly installed on the target computer.***

McDonald's teaching also applies for a system with processor, memory see McDonald's claim 16. Claim 13 is a system version of claim 1, it is rejected on the same basis as claim 1.

As Per claim 14, McDonald discloses:

- ***The system of claim 13, wherein the at least one validation action comprises a validation program associated with the software application***

that, when executed, returns results indicating whether aspects of the software application are properly installed on the target computer.
Claim 13 rejection is incorporated, for rest of claim 14 feature see claim 2 rejection.

As Per claim 15, McDonald discloses:
- ***The system of claim 13, wherein the at least one validation action comprises a validation routine in a loadable library associated with the software application that, when called, returns results indicating whether aspects of the software application are properly installed on the target computer.***
Claim 13 rejection is incorporated, for rest of claim 15 feature see claim 3 rejection.

As Per claim 16, McDonald discloses:
- ***The system of claim 13, wherein the at least one validation action comprises a comparison instruction to compare an aspect of the software application to corresponding validation response information in the validation manifest.***
Claim 13 rejection is incorporated, for rest of claim 16 feature see claim 4 rejection.

As Per claim 17, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 16 rejection is incorporated, for rest of claim 17 feature see claim 5 rejection.

As Per claim 19, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***

Claim 16 rejection is incorporated, for rest of claim 19 feature see claim 7 rejection.

As Per claim 20, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 16 rejection is incorporated, for rest of claim 20 feature see claim 8 rejection.

As Per claim 21, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is a system registry value associated with the software application.***

Claim 16 rejection is incorporated, for rest of claim 21 feature see claim 9 rejection.

As Per claim 22, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 16 rejection is incorporated, for rest of claim 22 feature see claim 10 rejection.

As Per claim 23, McDonald discloses:

- ***The system of claim 13, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 13 rejection is incorporated, for rest of claim 23 feature see claim 11 rejection.

As Per claim 24, McDonald discloses:

- ***The system of claim 13, wherein the validation module, upon detecting a negative result from executing a validation action, executes a corrective action associated with the validation action.***

Claim 13 rejection is incorporated, for rest of claim 24 feature see claim 12 rejection.

As Per claim 25, McDonald discloses:

- ***A networked computing environment for validating whether a software application is properly installed on a client computer, the system comprising: a client computer upon which the software application is***

installed; and an administrator computer, the administrator computer operable to: obtain a validation manifest from the provider of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the client computer, each validation action comprising a computer-executable action for determining at least one aspect of whether the software application is properly installed on the client computer, data for use in the computer-executable action, and a result value indicative of whether at least the one aspect of the software application is properly installed on tile client computer; carry out the validation actions in the validation manifest; and based on the results of carrying out the validation actions, determine whether the software application is properly installed on the client computer.

McDonald's teaching also applies for a networked computing environment, see McDonald's Figure 1, and description in column 2, lines 36-38, "FIG. 1 is a block diagram of an exemplary **network environment** in which aspects of the invention may be implemented. Claim 25 is a networked computing environment version of claim 1, therefore, see claim 1 rejection.

As Per claim 26 , McDonald discloses:

- ***The networked computing environment of claim 25, wherein the validation actions comprise a validation program associated with the software application which, when executed, returns results indicating whether aspects of the software application are properly installed on the client computer.***

Claim 25 rejection is incorporated, for rest of claim 26 feature see claim 2 rejection.

As Per claim 27, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the validation actions comprise a validation routine in a loadable library on the client computer associated with the software application which, when called, returns results indicating whether aspects of the software application are properly installed on the client computer.***

Claim 25 rejection is incorporated, for rest of claim 27 feature see claim 3 rejection.

As Per claim 28, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the validation actions comprise a comparison instruction to compare an aspect of the software application installed on the client computer to corresponding validation response information in the validation manifest.***

Claim 25 rejection is incorporated, for rest of claim 28 feature see claim 4 rejection.

As Per claim 29, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file on the client computer installed as part of the software application.***

Claim 28 rejection is incorporated, for rest of claim 29 feature see claim 5 rejection.

As Per claim 31, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***

Claim 28 rejection is incorporated, for rest of claim 31 feature see claim 7 rejection.

As Per claim 32, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module installed as part of the software application.***

Claim 28 rejection is incorporated, for rest of claim 32 feature see claim 8 rejection.

As Per claim 33, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is a system registry on the client computer associated with the software application.***

Claim 28 rejection is incorporated, for rest of claim 33 feature see claim 9 rejection.

As Per claim 34, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is an system environment setting on the client computer.***

Claim 28 rejection is incorporated, for rest of claim 34 feature see claim 10 rejection.

As Per claim 35, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the validation manifest further comprises installation information for installing the software application on the client computer.***

Claim 25 rejection is incorporated, for rest of claim 35 feature see claim 11 rejection.

As Per claim 36, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the administrator computer is further operable to, upon detecting a negative result from executing a validation action, execute a corrective action associated with the validation action.***

Claim 25 rejection is incorporated, for rest of claim 36 feature see claim 12 rejection.

As Per claim 37, McDonald discloses:

- ***A computer-readable medium having computer-readable instructions which, when executed, carry out the method comprising: obtaining a validation manifest associated with the software application from the software application provider, the validation manifest comprising computer-executable validation actions for determining whether the software application is properly installed on the target computer; executing the validation actions in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.***

McDonald's teaching also applies for a computer-readable medium, see McDonald's Claim 15. Claim 37 is a computer-readable medium version of claim 1, it is rejected on the same basis as claim 1.

As Per claim 38, McDonald discloses:

- ***The method of claim 37, wherein the validation actions comprise a validation program associated with the software application that, when executed, returns results indicating whether aspects of the software application are properly installed on the target computer.***

Claim 37 rejection is incorporated, for rest of claim 38 feature see claim 2 rejection.

As Per claim 39, McDonald discloses:

- ***The method of claim 37, wherein the validation actions comprise a validation routine in a loadable module associated with the software***

application that, when called, returns results indicating whether aspects of the software application are properly installed on the target computer.
Claim 37 rejection is incorporated, for rest of claim 39 feature see claim 3 rejection.

As Per claim 40, McDonald discloses:
- ***The method of claim 37, wherein the validation actions comprise a comparison instruction to compare an aspect of the software application to corresponding validation response information in the validation manifest.***
Claim 37 rejection is incorporated, for rest of claim 40 feature see claim 4 rejection.

As Per claim 41, McDonald discloses:
- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***
Claim 41 rejection is incorporated, for rest of claim 41 feature see claim 5 rejection.

As Per claim 43, McDonald discloses:
- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***
Claim 40 rejection is incorporated, for rest of claim 43 feature see claim 7 rejection.

As Per claim 44, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module provided as part of the software application.***

Claim 40 rejection is incorporated, for rest of claim 44 feature see claim 8 rejection.

As Per claim 45, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is a system registry value associated with the software application.***

Claim 40 rejection is incorporated, for rest of claim 45 feature see claim 9 rejection.

As Per claim 46, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 40 rejection is incorporated, for rest of claim 46 feature see claim 10 rejection.

As Per claim 47, McDonald discloses:

- ***The method of claim 37, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 37 rejection is incorporated, for rest of claim 47 feature see

claim 11 rejection.

As Per claim 48, McDonald discloses:

- ***The method of claim 37 further comprising, upon detecting a negative result from executing a validation action, executing a corrective action associated with the validation action.***

Claim 37 rejection is incorporated, for rest of claim 48 feature see claim 12 rejection.

As Per claim 49, McDonald discloses:

- ***A computer implemented method for determining whether a plurality of software applications are properly installed on a target computer, the method comprising: identifying a plurality of software applications installed on the target computer; and for each identified software application: obtaining a validation manifest associated with the software application from the provider of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer, wherein each validation action in the validation manifest comprises a token corresponding to a computer-executable action, data for use by the computer-executable action in validating the software application, mid an expected result of the computer-executable action indicative of a valid installation;***

executing the validation actions in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

McDonald's teaching is to validate installing software applications, there can be a plurality of software applications. Claim 49 is a computer implemented method for a plurality of software applications version of claim 1, it is rejected on the same basis as claim 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 6, 18, 30, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,957,366, by McDonald, hereinafter "McDonald".

As Per claim 6, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the file size of a file provided as part of software application.***

Claim 4 rejection is incorporated, use the 'file size' as comparison instruction feature is a well-known skill to the people in the art, see

paragraph [0028] of current application, "determining whether installed files associated with the software application are of the **appropriate size** and have a correct modification date. **Those skilled in the art will recognize that any number of combinations of the above-listed validation actions**, or other validation actions, may be placed in a validation manifest to verify that the software application is properly installed".

As Per claim 18, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the file size of a file provided as part of software application.***

Claim 16 rejection is incorporated, for rest of claim 18 feature see claim 6 rejection.

As Per claim 30, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the file size of a file installed as part of software application.***

Claim 28 rejection is incorporated, for rest of claim 30 feature see claim 6 rejection.

As Per claim 42, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the file size of a file provided as part of software application.***

Claim 40 rejection is incorporated, for rest of claim 42 feature see claim 6 rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et al., US Patent No. 6,968,539, discloses a software system is provided to allow a computer to install and process web applications according to the invention. Such web applications are written as web pages that have access to the full range of operating system resources, including those not accessible through a web browser. Preferably, a web application is built using three types of languages used for constructing web pages, namely: (a) a visual presentation language; (2) a data modeling language; and (3) a scripting language for embedding logic.

Ryu, US Patent No. 6,697,852, discloses a method of installing a client-server application package from a server computer having a server program, a client distribution program, a client installation program and a client program to a client computer. The method comprises installing the server program in the server computer and recognizing a system configuration information of the server computer; and finding a first optimum system configuration information after comparing the system configuration information of the server computer with a standard setting information of the client-server application.

16. The following summarizes the status of the claims:

35 USC § 112 rejection: Claims 1-24, 37-48

35 USC § 102 rejection: Claims 1-5, 7-17, 19-29, 31-41, 43-49

35 USC § 103 rejection: Claims 6, 18, 30, 42

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chih-Ching Chow/
Examiner, Art Unit 2191
8/4/2008

/Ted T. Vo/
Primary Examiner, Art Unit 2191